

State of Washington  
DRAFT  
REPORT OF EXAMINATION  
FOR WATER RIGHT CHANGE



File NR CG3-27708  
WR Doc ID 4491587

PRIORITY DATE December 7, 1983	WATER RIGHT NUMBER G3-27708P
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MAILING ADDRESS LIBERTY LAKE SEWER AND WATER DISTRICT #1 22510 EAST MISSION AVENUE LIBERTY LAKE, WA 99019	SITE ADDRESS (IF DIFFERENT)
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#### Total Quantity Authorized for Withdrawal

WITHDRAWAL 4500	UNITS GPM	ANNUAL QUANTITY (AF/YR) 3600
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#### Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Municipal	4500			3600		01/01 - 12/31

#### Source Limitations

SOURCE	WITHDRAWAL RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE
5 wells	4500	3600	01/01 - 12/31

#### Source Locations

COUNTY	WATERBODY		TRIBUTARY TO		WATER RESOURCE INVENTORY AREA			
SPOKANE	GROUNDWATER				57-MIDDLE SPOKANE			
Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Sprague Well S01	55154.0511	AHC952	25N	45E	15	SE¼SE¼	47.65709°N	117.09470°W
Kenny Well S02	55152.9153	AHC953	25N	45E	15	NW¼NW¼	47.67019°N	117.10779°W
Mission Well S03	55151.2709	ABR847	25N	45E	15	NE¼NW¼	47.66877°N	117.10148°W
Valleyway Well S04	55143.9010	ABR846	25N	45E	14	NW¼SW¼	47.66053°N	117.08456°W
Schultz Well S05	55142.4533	AHC948	25N	45E	14	E½NW¼	47.66775°N	117.08140°W

Datum: WGS84

#### Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

#### LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

### Proposed Works

Five (5) wells, pumps, reservoirs, and distribution system

### Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Complete	October 1, 2037

### Measurement of Water Use

How often must water use be measured?	Weekly
How often must data be reported to Ecology?	Annually
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

### Provisions

#### Wells, Well Logs and Well Construction Standards

All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

#### Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Eastern Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Eastern Regional Office for forms to submit your water use data.

#### Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**Proof of Appropriation**

The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**Real Estate Excise Tax**

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Internet: <http://dor.wa.gov/>. E-mail: REETSP@DOR.WA.GOV.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER approval of Change Application No. CG3-27708, subject to existing rights and the provisions specified above.

**Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.



Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503  <b>Pollution Control Hearings Board</b> 1111 Israel Road SW Suite 301 Tumwater, WA 98501	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608  <b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this       day of       2012.

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Keith L. Stoffel  
 Section Manager  
 Water Resources Program

## INVESTIGATOR'S REPORT

WASHINGTON STATE DEPARTMENT OF ECOLOGY  
Water Resources Program – Eastern Regional Office  
Water Right Control Number CG3-27708  
**Ground Water Permit No. G3-27708P**

### BACKGROUND

An application for change/transfer was submitted by the Liberty Lake Sewer and Water District #1 (LLSWD) of Liberty Lake, Washington to the Department of Ecology on March 11, 2008. LLSWD proposes to change the points of withdrawal and place of use as granted under Ground Water Permit No. G3-27708P.

#### Attributes of the Existing Water Right and Proposed Change:

Attributes	Existing Water Right	Proposed Changes
Number	G3-27708P	***
Name	Liberty Lake Sewer and Water District	Liberty Lake Sewer and Water District #1
Priority Date	December 7, 1983	***
Instantaneous Quantity	4,500 gpm	***
Annual Quantity	7,200 af/yr	3,600 af/yr
Purpose of Use	Municipal Supply and Irrigation	Municipal Supply
Period of Use	Continuous for Municipal Seasonal for Irrigation	Continuous
Point(s) of Withdrawal	34 wells	5 wells
Place of Use	Area served by Consolidated Irrigation District No. 19	Area served by Liberty Lake Sewer and Water District

\*\*\* No change

#### Existing (34) Points of Withdrawal (Consolidated Irrigation District # 19)

Wells #1, 2, 3) SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 11, T. 25 N., R. 44 E.W.M.

Wells #4, 5, 6) SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 18, T. 25 N., R. 45 E.W.M.

Wells # 7, 8, 9) SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17, T. 25 N., R. 45 E.W.M.

Wells # 10, 11, 12, 13) NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, T. 25 N., R. 45 E.W.M.

Wells # 14, 15, 16) NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 7, T. 25 N., R. 45 E.W.M.

Wells # 17, 18, 19) NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 4, T. 25 N., R. 45 E.W.M.

Wells # 20, 21, 22) NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 34, T. 26 N., R. 45 E.W.M.

Wells # 23, 24, 25) SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 3, T. 25 N., R. 45 E.W.M.

Wells # 26, 27, 28) SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 2, T. 25 N., R. 45 E.W.M.

Wells # 29, 30, 31) SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 26 N., R. 45 E.W.M.

Wells # 32, 33, 34) Gov't Lot 3, Sec. 31, T. 26 N., R. 45 E.W.M.

**Proposed (5) Points of Withdrawal** (Liberty Lake Sewer and Water District)

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Sprague Well S01	55154.0511	AHC952	25N	45E	15	SE $\frac{1}{4}$ SE $\frac{1}{4}$	47.65709°N	117.09470°W
Kenny Well S02	55152.9153	AHC953	25N	45E	15	NW $\frac{1}{4}$ NW $\frac{1}{4}$	47.67019°N	117.10779°W
Mission Well S03	55151.2709	ABR847	25N	45E	15	NE $\frac{1}{4}$ NW $\frac{1}{4}$	47.66877°N	117.10148°W
Valleyway Well S04	55143.9010	ABR846	25N	45E	14	NW $\frac{1}{4}$ SW $\frac{1}{4}$	47.66053°N	117.08456°W
Schultz Well S05	55142.4533	AHC948	25N	45E	14	E $\frac{1}{2}$ NW $\frac{1}{4}$	47.66775°N	117.08140°W

Datum: WGS 84

**Public Notice**

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Spokane Valley News Herald during the weeks of June 6 and 13, 2008.

**State Environmental Policy Act (SEPA)**

This application is not exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21 RCW, due to the fact that the cumulative quantities of water for this project and those under existing water rights constitute a withdrawal of more than 2,250 gallons per minute. After review of a completed environmental checklist and other information on file with Ecology, this proposal was determined to not have a significant adverse impact on the environment. A final Declaration of Non-Significance, stating the proposal does not have a probable significant adverse impact on the environment, was issued by Keith Stoffel of the Department of Ecology on February 2, 2012. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

**INVESTIGATION**

**History of Water Use**

Ground Water Permit G3-27708P was issued to Consolidated Irrigation District #19 (CID#19) on May 23, 1986 and authorized withdrawal from thirty-four (34) existing wells located in the Spokane Valley, Greenacres and Otis Orchards areas. This permit authorized water use for both municipal supply and irrigation purposes. 4,200 gallons per minute and 7,200 acre-feet per year were approved (3,600 acre-feet for municipal supply and 3,600 acre-feet for irrigation of 2500 acres). The 2,500 acres were for agricultural lands to be irrigated throughout the district. The permit was issued as a "Public Water Entity Permit" in accordance with Chapter 90.66 RCW (Initiative Measure No. 59).

The permit development schedule under G3-27708P was extended several times until it was found to be no longer needed by CID#19. On June 4, 2007, the permit was assigned to neighboring LLSWD who was facing water right shortage in their area. Both CID#19 and LLSWD currently withdraw all their groundwater from the Spokane-Rathdrum Prairie Aquifer. LLSWD applied to the Department of Ecology on March 11, 2008 to transfer the permit to its wells. LLSWD anticipates that the 3,600 acre-feet per year authorized for municipal supply will meet LLSWD water needs for the next 25 years. LLSWD does not anticipate being able to use the irrigation portion nor does it propose any future development of the 3,600 acre-feet and 2,500 acres authorized for irrigation under G3-27708P. This was confirmed in a telephone conversation with Lee Mellish on February 2, 2012. LLSWD will utilize its existing five (5) municipal supply wells to withdraw the water. No new wells are proposed.

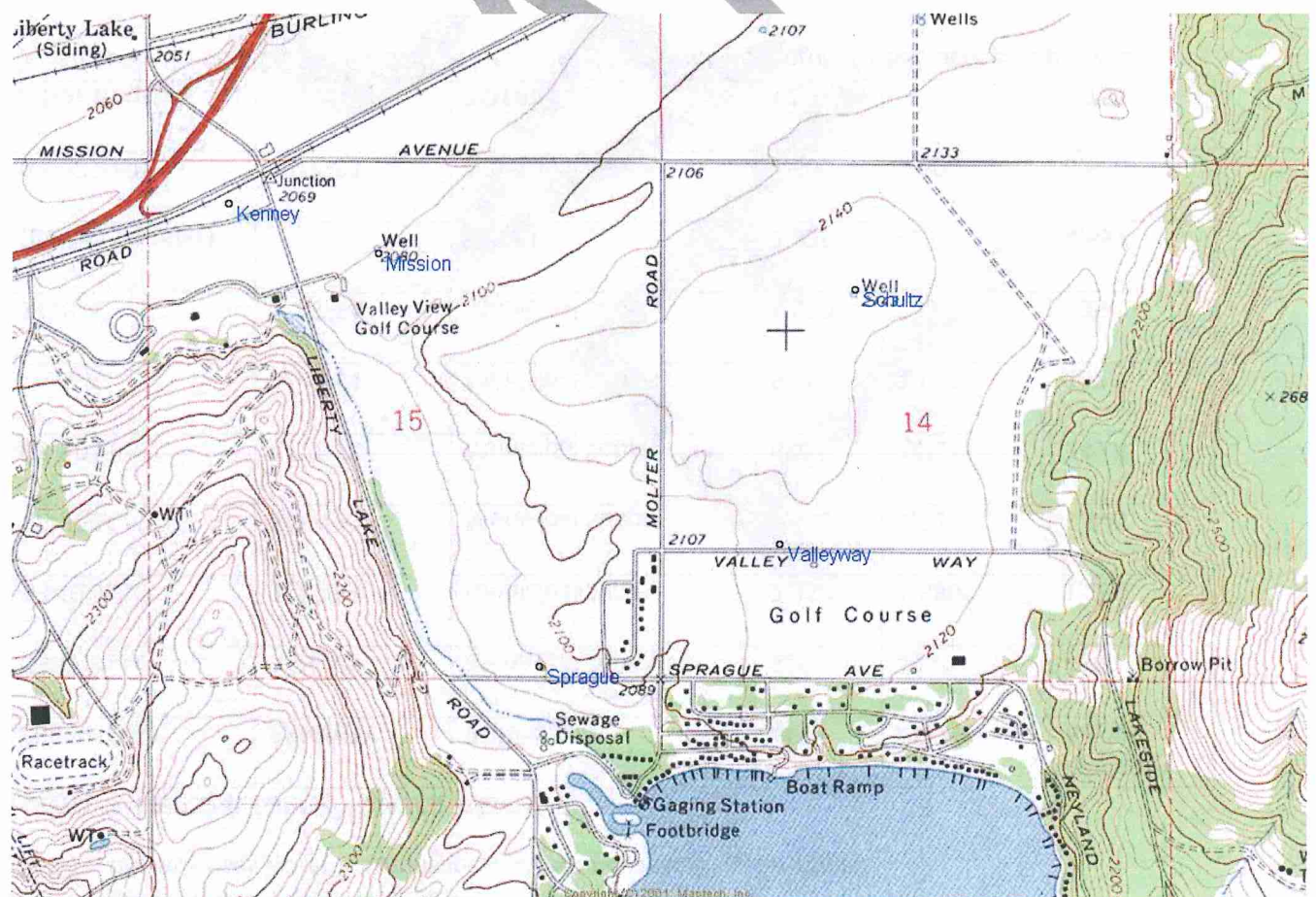


The 5 existing LLSWD wells are as follows:

#### LLSWD WATER WELLS

PARAMETER	WELL #1	WELL #2	WELL #3	WELL #4	WELL #5
Name	Sprague	Kenney	Mission	Valleyway	Schultz
WDOH Source ID#	S01	S02	S03	S04	S05
Unique Well ID#	AHC952	AHC953	ABR847	ABR846	AHC948
Year drilled	1961	1980	1954	1969	1965
Depth	155'	156'	198'	220'	238'
Diameter	48"	30"	18"	60"	16"
Casing	110'	156'	173'	220'	218'
Perforated	yes	yes	no	yes	no
SWL	110'	121'	126'	170'	171'
Well head elevation	2070'	2070'	2080'	2130'	2140'
GPM	650	1775	1950	*	3150
Pump HP	75	300	300	300	350
Pump Type	VT	VT	VT	VT	VT

VT = Vertical Turbine; \*Valleyway well is emergency/back-up only



USGS 7.5 Minute (Topographic Map) - "Liberty Lake"

**Other Rights Appurtenant to the Place of Use**

LLSWD currently uses water for municipal supply under six (6) water rights:

**LLSWD "MUNICIPAL SUPPLY" WATER RIGHTS**

<b>CERTIFICATE</b>	<b>PRIORITY</b>	<b>PURPOSE</b>	<b>GPM</b>	<b>AF/YR</b>	<b>PRIMARY AF/YR</b>
G3-00811C	3/26/69	Municipal Supply	825	430*	430
G3-01023C	3/26/69	Municipal Supply	2,250	1,680*	1,250
G3-26247C	5/17/79	Municipal Supply	2,100	1,825	1,825
G3-20130C	4/19/72	Municipal Supply	650	249.4	249.4
1953-A	4/20/54	Municipal Supply	500	207.7	207.7
1978-A	1/28/54	Municipal Supply	1,500	735	735
<b>(before transfer)</b>		<b>TOTAL:</b>	<b>7,825</b>	<b>---</b>	<b>4,697</b>
G3-27708P	12/7/83	Municipal Supply	4,500	3,600	3,600
<b>(after transfer)</b>		<b>TOTAL:</b>	<b>12,325</b>	<b>---</b>	<b>7,751</b>

*\*Certificates G3-00811C and G3-01023C are limited to a combined total of 1,680 acre-feet per year.*

Current water rights limit LLSWD to a total of 7,825 gallons per minute and 4,697 acre-feet per year for municipal supply. With the addition of 4,500 gallons per minute and 3,600 acre-feet per year under Ground Water Permit G3-27708P, after the transfer, LLSWD total water rights will be 12,325 gallons per minute and 7,751 acre-feet per year, continuously, for municipal supply. Water use for LLSWD is as follows:

**LLSWD - WATER USE**

<b>YEAR</b>	<b>GALLONS PUMPED</b>	<b>ACRE-FEET PUMPED</b>
1999	741,144,036	2,274.79
2000	808,714,200	2,481.85
2001	858,494,696	2,634.62
2002	827,280,124	2,538.83
2003	910,194,308	2,793.28
2004	922,121,964	2,829.89
2005	918,212,540	2,817.89
2006	961,962,140	2,952.15
2007	1,036,586,016	3,181.17
2008	992,752,432	3,046.65
2009	1,091,593,724	3,349.98
2010	922,914,268	2,832.32



A search was conducted for additional existing water rights, permits, applications and claims in the surrounding area of the proposed wells in Sections 14 and 15 of T. 25 N., R. 45 E.W.M. Excluding rights held by the district, there were nine other records in this search area. The wells in this area have been in use for several years and there have been no reported well interference problems in this area.

### **Hydrogeologic Evaluation**

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that: (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells, (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells, (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate, and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

The hydrogeologic analysis for this application was provided by Guy Gregory, hydrogeologist for Ecology's Water Resources Program.

The existing 34 CID#19 wells range in depth from 150 to around 290 feet with static water levels from 105 feet to 120 feet below land surface. The five existing LLSWD wells are similar in depth. The Valleyway and Schultz wells are the deeper of the five municipal wells at 220' and 238' respectively (well head elevation at 2130'-40'). The elevation of these two wells is about 60-70 feet higher than the Sprague, Kenney and Mission wells (well head elevation at 2070'-80' feet). The static water levels in each well are at similar elevations. Based on the well depths, elevations and static water levels in each well, it can be concluded that all of the LLSWD wells withdraw from the same body of public ground water. LLSWD integrated all of these wells under its other existing water rights through changes issued by the Department on December 20, 2004.

All of the existing Consolidated Irrigation District wells produce water from the unconsolidated, glaciofluvial, unconfined water table aquifer known as the Spokane Valley-Rathdrum Prairie Aquifer. All these wells produce large quantities of water.

The existing LLSWD wells also produce water from the Spokane Valley-Rathdrum Prairie Aquifer. All these wells produce large quantities of water.

Based on the well depths, elevations and static water levels in each well involved in this change, and on a review of the geology of each well, Ecology concludes that all wells withdraw from the same body of public ground water.

### **Impairment Considerations**

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200); and/or 4) degrade the quality of the

source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

Both CID and LLSWD municipal wells have been continuously used for many years with no reported well interference. It is not anticipated that the proposed changes will cause any detriment or injury to existing rights.

#### **No Enhancement of Original Right**

No withdrawal of water over and above what has been historically put to beneficial use and/or originally authorized under existing rights will be allowed through approval of this change.

#### **Public Interest Considerations**

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

#### **Consideration of Protests and Comments**

No protests were filed.

### **CONCLUSION**

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, this application to change the points of withdrawal and place of use as granted under Ground Water Permit No. G3-27708P will not enlarge the quantity of water historically authorized, nor will it impair existing rights provided the terms and conditions below are followed.

### **RECOMMENDATION**

Based on the above investigation and conclusions, I recommend that the request for change to Ground Water Permit No. G3-27708P be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2, and following.

#### **Purpose of Use and Authorized Quantities**

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

Qi: 4500 gallons per minute

Qa: 3600 acre-feet per year

Purpose: Municipal Supply

Points of Withdrawal: 5 Wells

Place of Use: As described on Page 1 of this Report of Examination.

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Gene Drury, Report Writer

Date

*If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*